

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**December 20, 2001**

DIVISION ONE

B143220      People                                  (Not for Publication)  
v.  
Carlson et al.

Defendants Carlon's and Ramos's judgments are modified to strike their convictions of count 3 and the 10-year weight enhancement, and to impose a 5-year weight enhancement on count 1 instead. This reduces defendant Carlon's total sentence to 10 years and defendant Ramos's total sentence to 8 years. The clerk of the court is directed to prepare modified abstracts of judgment and transmit the same to the Department of Corrections. As modified, defendants Carlon's and Ramos's judgments are affirmed. As modified, defendant Gomez's judgment of conviction is affirmed. The matter is remanded to permit the trial court to determine whether to resentence defendant Gomez and impose two five-year weight enhancements as discussed in this opinion or simply to impose a single five-year enhancement on count 1, the conspiracy conviction, as well as to pronounce sentence on counts 3 and 4.

Spencer, P.J.

We concur: Ortega, J.  
Mallano, J.

B146795 People (Not for Publication)  
v.  
Rigoberto V.

The order continuing wardship is affirmed.

Mallano, J.

We concur: Ortega, Acting P.J.  
Vogel (Miriam A.), J.

DIVISION ONE (Continued)

B143702      O'Byrne et al.                      (Certified for Publication)  
                 v.  
                 Santa Monica Hospital Medical Center et al.

The judgment is affirmed.

Spencer, P.J.

I concur:      Mallano, J.  
I concur:      Vogel (Miriam A.), J. (Opinion)

B147087      Morris                                      (Certified for Publication)  
                 v.  
                 Blank

The judgment is reversed. Plaintiff Morris is to recover costs on appeal.

Spencer, P.J.

I concur:      Mallano, J.  
I concur:      Vogel (Miriam A.), J. (opinion)

B145039      The City of El Segundo      (Not for Publication)  
                 v.  
                 Stardust West Apartments etc et al.

The judgment is reversed. Plaintiff is to recover costs on appeal.

Spencer, P.J.

I concur:      Mallano, J.  
I concur:      Ortega, J.      (opinion)

DIVISION TWO

Court convened at 9:00 A.M.

Present: Boren, P.J., Nott, J., Todd, J. and G. Villanueva, Deputy Clerk.

In open court Presiding Justice Boren made the following remarks regarding the retirement of Gilbert Villanueva:

Before we commence with argument, I wish to comment on a matter of considerable significance to this Court.

Today marks the last time that our lead clerk, Gilbert Villanueva, will call the calendar of Division Two. Despite our protestations, Mr. Villanueva will commence his retirement after today's oral arguments.

He has been with the Court of Appeal for over 34 years. He has served under three head Clerks, Clay Robbins, Robert Wilson, and Joseph Lane. In Division Two he has outlasted at least 10 justices, one presiding justice, and innumerable staff attorneys and pro tem justices.

He is the master of Rules of Court and of course the keeper of all our case files, briefs, petitions, motions, and opinions. More important he has always been the kind of manager, who sought to find ways to solve people's problems, whether they were judges, attorneys, or pro. per. litigants. He has preferred to make the rules serve the court and the litigants, rather than allow the rules to serve as master. I have observed that he treats the clientele of the court-whether they are pro se litigants or prominent attorneys-with dignity, equanimity, even-handedness, and respect. Mr. Villanueva's departure is particularly difficult for me. I have known him since I was a young lawyer needing the assistance of a kind clerk. He was always exceedingly helpful. I consider him a dear friend, and I will miss our daily contact and the opportunity to debate such things as *UCLA v. USC*. On behalf of the entire Court, I wish you a happy retirement and the best of luck. Thank you for your sterling service.

Boren, P.J.

For those of you with some gray in the hair, you may remember the title of a Fred Astaire movie in the 50s or 60s that was entitled ***"THE PLEASURE OF HIS COMPANY."***

When I reflect on this moment, that title perfectly fits what I feel we will miss most when Gilbert Villanueva leaves us-THE PLEASURE OF HIS COMPANY.

Nott, J.

DIVISION TWO (Continued)

I would like to speak on behalf of the newcomers, whether they be members of the administrative staff, the appellate lawyers or justices, that Gilbert Villanueva has provided counsel, guidance and wisdom in dealing with so many aspects of the appellate process,---and we have been the beneficiaries, so I would like to express my personal gratitude and my best wishes for his retirement.

Doi Todd, J.

Each of the following:

B151411 People v. Young  
B146533 People v. Taylor  
B145949 People v. Pritchette

Argument waived, cause submitted.

B131973     Southern Pacific et al.  
                 v.  
                 Mendez Trucking

Merits and Order to Show Cause:  
Argued by Joseph Mascovich for appellant and by Allan Sheno for  
respondent. Cause submitted.

B141827     Nicholson  
                 v.  
                 Gates

Merits:  
Argued by Marc Sallus for appellant and by Richard Cleary for respondent.  
Cause submitted.

DIVISION TWO (Continued)

B146479     Morris  
              v.  
              2212 Cahuenga Ltd. et al

Merits:  
Argued by Ward Smith for appellant and by Angela Walsh for respondent.  
Cause submitted.

B144260     Universal Construction  
              v.  
              Compton Unified School Dist

Merits:  
Argued by Howard Brown for appellant and by Mark Wendorff for  
respondent. Cause submitted.

B146384     Tucker Land Co.  
              v.  
              State of California et al.

Merits:  
Argued by Alvin Kaufer for appellant and by Daniel Olivas, deputy  
attorney general, for respondent State of California and James Goldman for  
respondents Rancho Simi. Cause submitted.

B140498     Tohl et al.  
              v.  
              West Hollywood et al.

Merits:  
Argued by Henry Workman for appellants, by Saskia Asamura for  
respondents West Hollywood, by Michael Kaplan, deputy city attorney, for  
respondent City of Los Angeles, and by Adrienne Byers, deputy county  
counsel, for respondent County of Los Angeles. Submission deferred  
pending notification of settlement conference scheduled for January 8,  
2002.

Court adjourned.

**DIVISION FOUR**

B151091 People (Not for Publication)  
v.  
Yanira M.

The judgment is affirmed.

Epstein, J.

We concur: Vogel (C.S.), P.J.  
Curry, J.

B152890      People                    (Not for Publication)  
v.  
D'Angelo

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The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.  
Curry, J.

DIVISION SIX

B138510 People  
v.  
Hagenno

Filed order denying petition for rehearing.

## December 20, 2001-Continued

## DIVISION SIX (Continued)

B148337 Jones (Not for Publication)  
v.  
Jones

The judgment is affirmed. The parties shall bear their own costs on appeal.

Perren, J.

We concur:    Gilbert, P.J.  
                         Coffee, J.

B148667      Thomas      (Not for Publication)  
v.  
SCPIE Indemnity Company

The judgment is affirmed. Costs are awarded to SCPIE and Dr. Liao.

Coffee, J.

We concur: Gilbert, P.J.  
Perren, J.

B146159 People (Not for Publication)  
v.  
Luna

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.  
Perren, J.

DIVISION SIX (Continued)

B149393      San Luis Obispo County                      (Not for Publication)  
                 Dept. of Social Services  
                 v.  
                 Sandra C.

The judgment and March 9, 2001, order are affirmed.

Perren, J.

We concur:   Gilbert, P.J.  
                 Coffee, J.

B153471      In re Ruben Onesimo Sena                      (Certified for Publication)  
                 on  
                 Habeas Corpus

The petition for writ of habeas corpus is treated as a writ of mandate. Let a writ of mandate issue compelling the Superior Court of Los Angeles County to adjudicate the petition for writ of habeas corpus. We express no opinion whether or not it is subject to summary denial or whether an order to show cause should issue.

Yegan, J.

We concur:   Gilbert, P.J.  
                 Perren, J.

DIVISION SEVEN

B145610      Balikov  
                 v.  
                 Southern California Gas Company

Filed order certifying opinion for publication.



DIVISION SEVEN (Continued)

B149831      Los Angeles County, D.C.F.S.      (Not for Publication)

v.

Emma R.

In re Lyzette R., et al.

The judgment is affirmed.

Boland, J. (Assigned)

We concur:   Johnson, Acting P.J.

Perluss, J.

B150692      Los Angeles County, D.C.F.S.      (Not for Publication)

v.

Elena T.

In re Joshua T.

The judgment is affirmed.

Boland, J. (Assigned)

We concur:   Woods, Acting P.J.

Perluss, J.

B148003      Los Angeles County, D.C.F.S.

v.

Joan L.

In re Rasheed B., a minor

Filed order modifying opinion (No change in the judgment). Petition for rehearing is denied.